



PATENT
Attorney Docket No. 47382.000060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	James H. JOHNSON)
	John DIDOMENICO)
)
Original Patent No.:	5,812,249)
)
Original Issue Date:	September 22, 1998)
)
Reissue Application No.:	09/667,693)
)
Filing Date:	September 22, 2000)

**DECLARATION IN SUPPORT OF PETITION TO ACCEPT REISSUE DECLARATION
EXECUTED BY ASSIGNEE DUE TO MISSING AND UNWILLING INVENTORS**

Assistant Commissioner of Patents
Washington, D.C. 20231

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Sir:

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I, Devin S. Morgan, hereby declare that:

1. Envirotest Systems Corp. ("ESC") is assignee of record of the above referenced patent.

2. A certificate under 37 C.F.R. § 3.73(b) was filed with the reissue application on September 22, 2000. A copy of the certificate is attached as Exhibit A.

3. Inventor James H. Johnson is a former employee of ESC, or related entities, and an assignor of the above referenced patent.

4. Inventor John Di Domenico is a former employee of ESC, or related entities, and an assignor of the above referenced patent.

5. The above referenced patent issued on September 22 ,1998.

6. The above referenced patent is wholly or partly inoperative or invalid by virtue of the applicant claiming more or less than they had the right to claim.

7. ESC has a right to a wholly operative and valid patent claiming the full scope of the subject matter that the applicants had the right to claim.

8. Absent a wholly operative and valid patent claiming the full scope of the subject matter that the applicants had the right to claim, ESC may be irreparably damaged.

9. Pursuant 35 U.S.C. § 251, a broadening reissue must be filed within two years of the original issue date of a patent.

10. In order to preserve ESC's rights or prevent irreparable damage that would have occurred due to the tolling of the period for a broadening reissue, the above referenced reissue application was filed on September 22, 2000.

11. I have been unable to locate James H. Johnson after diligent search.

12. In or about September 2000, I contacted Mary Salgado at Environmental Systems Products, who oversaw correspondence with ESC inventors, in order to contact Mr. Johnson.

13. She told me that he was no longer associated with ESC and that his present whereabouts were unknown.

14. She also said that she would make further inquiries into locating him.

15. On information and belief, any further inquiries by Ms. Salgado were unsuccessful.

16. On or about January 17, 2001, I performed a number of Internet searches in attempts to locate information about Mr. Johnson on the World Wide Web. These searches included name, subject matter, and personal fact based searches through a variety of general purpose and "people finder" search engines. An example search result is attached as Exhibit B. Calling the phone number in the search was not successful.

17. On or about January 17, 2001, I engaged a search firm called USSearch.com to attempt to locate Mr. Johnson. Their results are attached as Exhibit C. The results were not helpful.

18. On January 23, 2001, I sent a letter by certified mail to the last known address for Mr. Johnson, 4401 W. Crestview Road, Tucson, AZ 85745. Copies of the letter, the envelope, and the receipt are attached as Exhibit D.

19. On or about January 25, 2001, the letter was returned with a note that the forwarding order had expired.

20. I have been unable to gain the cooperation of John Di Domenico after diligent effort.

21. On information and belief, Mr. Di Domenico terminated his association with ESC or related entities and joined SPX Corp. prior to February 2000.

22. On information and belief, SPX Corp. employs Mr. Di Domenico for development of a product intended to directly compete with ESC or related entities.

23. In or about February 2000, Mr. Di Domenico had been corresponding with Kevin Dunleavy at Hunton & Williams with regard to other patent applications assigned to ESC or related entities.

24. In or about February 2000, that correspondence was broken off without Mr. Di Domenico executing documents for the other patent applications.

25. On or about September 21, 2000, Chris Cuneo, another agent of Hunton & Williams, contacted Mr. Di Domenico via electronic mail in order to renew discussions about various patent applications on which he was named as inventor.

26. On or about September 21, 2000, Mr. Di Domenico sent an electronic mail message indicating that he was not to be contacted at mail or electronic mail addresses associated with SPX Corp. A copy of the electronic mail message is attached as Exhibit E.

27. On information and belief, Mr. Cuneo attempted to contact Mr. Di Domenico to establish an alternate means of contacting him, but was unsuccessful.

28. On or about January 17, 2001, I used an Internet search to locate the home address of Mr. Di Domenico at 8810 E. Bear Paw Place, Tucson, AZ 85749. A copy of the search result is attaches as Exhibit F.

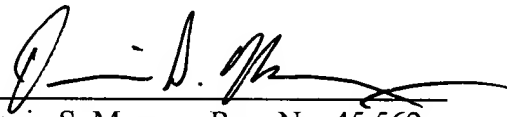
29. On or about January 23, 2001, I sent a letter to Mr. Di Domenico via certified mail requesting his further assistance with this and other patent applications. Copies of the letter, receipt, and envelope are attached as Exhibit G.

30. In or about February 2001, the letter was returned. The envelope was marked as unclaimed.

31. On information and belief, Mr. DiDomenico's refusal to accept correspondence evidences an implied refusal to sign the reissue declaration for the above matter.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4/26/01


Devin S. Morgan, Reg. No. 45,562

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PATENT
Attorney Docket No. 47382.000060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 5,812,249)
Issue Date: September 22, 1998)
Application No.: 08/717,226)
Filing Date: September 26, 1996)

37 C.F.R § 3.73(b) STATEMENT AND POWER OF ATTORNEY

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, the undersigned representative of Envirotech Systems Corp., the present owner of the patent identified above, as certified below in accordance with 37 C.F.R. § 3.73(b), hereby revoke all prior Powers of Attorney given for the patent and its associated application and appoint: Thomas J. Scott, Jr., Registration No. 27,836; Stanislaus Aksman, Registration No. 28,562; James G. Gatto, Registration No. 32,694; Christopher C. Campbell, Registration No. 37,291; Henry C. Su, Registration No. 37,738; Brian M. Buroker, Registration No. 39,125; Charles F. Hollis, Registration No. 40,650; Jonathan D. Link, Registration No. 41,548; Kevin J. Dunleavy, Registration No. 32,024; Kevin T. Duncan, Registration No. 41,495; George Georgellis, Registration No. 43,632; Christopher J. Cuneo, Registration No. 42,450; Raphael A. Valencia, Registration No. 43,216; Scott D. Balderston, Registration No. 35,436; Stephen T. Schreiner, Registration No. 43,097; Steven P. Klocinski, Registration No. 39,251; Yisun Song, Registration No. 44,487; Jennifer A. Albert, Registration No. 32,012; Kerry Owens, Registration No. 37,412; Devin S. Morgan, Registration No. P-45,562; and Milan Vinnola, Registration No. P-45,979 as their attorneys and agents with full power of substitution and revocation, to take any action with regard to this patent, and requests that all correspondence regarding this patent be sent to:

Kevin J. Dunleavy, Esq.
HUNTON & WILLIAMS
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

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CERTIFICATE UNDER 37 C.F.R. § 3.73(B)

ENVIROTEST SYSTEMS CORP. certifies that it is assignee of the entire right, title and interest in the patent identified above by virtue of a chain of title from the inventor(s) of the patent identified above, to the current assignee as shown below:

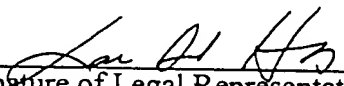
1. From: James H. Johnson et al.
To: Envirotech Systems Corp.
The document was recorded in the Patent and Trademark Office
at Reel 8324, Frame 0932

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code.

Date

2/29/00


Signature of Legal Representative of
Envirotech Systems Corp.

Name: LAURENCE DAVID HURWITZ
Title: VP & GENERAL COUNSEL

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**REISSUE APPLICATION DECLARATION BY ASSIGNEE
PURSUANT 37 C.F.R. § 1.47(b) and 1.64(b)**

As representative of below named assignee, I hereby declare that:

On information and belief, the inventors last known residences, post office addresses and citizenships are stated below next to their names.

James H. Johnson
Residence: Tucson, Arizona
Post Office Address: 4401 W. Crestview Road, Tucson, AZ 85475
Citizenship: U.S.A.

John DiDomenico
Residence: Tucson, Arizona
Post Office Address: 8810 E. Bear Paw Place, Tucson, AZ 85749
Citizenship: U.S.A.

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On information and belief, the inventors listed are the first and joint inventors of the subject matter which is described and claimed in patent number 5,812,249, granted September 22, 1998, and for which a reissue patent is sought on the invention entitled, "SPEED AND ACCELERATION MONITORING DEVICE USING VISIBLE LASER BEAMS," the specification of which was filed on September 22, 2000, as reissue application number 09/667,693 and was amended on September 22, 2000.

On information and belief, the inventors have reviewed and understand the contents of the above identified specification.

On information and belief, the inventors have not reviewed the claims as amended by the amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.


The original patent is wholly or partly inoperative or invalid by reason of the patentees claiming more or less than they had the right to claim in the patent.

At least one error upon which reissue is based is the unnecessary limitation of "visible" which was included in claims 1, 2, 5, 7 and 9.

On information and belief, every error corrected in this reissue application, including all errors corrected in the amendment referred to above, arose without any deceptive intention on the part of the applicants.

I hereby declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the declaration is directed.

Assignee: Envirotest Systems Corp.

Signature 
Devin S. Morgan, Reg. No. 45,562
Attorney of Record
on behalf of
Envirotest Systems Corp.

Date 4/26/01